

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO. 1:21-CV-744

KATHY BYRD HARRINGTON, as
Administrator of the Estate of WESLEY
RANDOLPH HUNTER, deceased,

Plaintiff,

v.

SOUTHERN HEALTH PARTNERS,
INC. and KELLY CARLTON and
KAREN RUSSELL, JASON AUTEN,
in his individual capacity, A.M. PRICE,
in his individual capacity, MICHAEL
ROGERS, in his individual capacity,
CABARRUS COUNTY SHERIFF'S
DEPARTMENT, and CABARRUS
COUNTY,

Defendants.

PARTIAL MOTION TO DISMISS

NOW COMES Defendants, Jason Auten (“Auten”), A.M. Price (“Price”), Michael Rogers (“Rogers”), Cabarrus County Sheriff’s Department (“Sherriff’s Department”), and Cabarrus County (“Cabarrus County”) (collectively the “Moving Defendants”) by and through undersigned counsel, and hereby move the court, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, and for the reasons stated in the contemporaneously filed brief in support, for an Order partially dismissing Plaintiff’s Complaint as to the specified claims alleged against Moving Defendants.

This the 6th day of October, 2021.

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Michael Rogers, Cabarrus County Sheriff's
Department and Cabarrus County

CERTIFICATE OF SERVICE

I hereby certify that on 10/6/2021 I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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/s/ JEFFREY B. KUYKENDAL
/s/ JAMES D. MCALISTER